

FILED  
for Roanoke  
MAY 08 2007

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK  
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ROBERT LEE MITCHELL,  
Petitioner, ) Civil Action No. 7:07-cv-00238  
                )  
v.                 ) FINAL ORDER  
                )  
UNITED STATES OF AMERICA,     ) By: Hon. Norman K. Moon  
Respondent.         ) United States District Judge

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

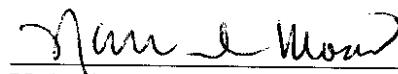
**ORDERED and ADJUDGED**

that the above referenced motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255, is **DISMISSED** without prejudice as successive and this case is **STRICKEN** from the active docket of the court.

Mitchell is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 60 days of the entry of this order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

The Clerk is directed to send certified copies of this Order and the accompanying Memorandum Opinion to all parties.

**ENTER:** This 8<sup>th</sup> day of May, 2007.

  
\_\_\_\_\_  
United States District Judge